

TEXAS COURT OF CRIMINAL APPEALS

PD-0636-19

FILED
COURT OF CRIMINAL APPEALS
12/6/2019
DEANA WILLIAMSON, CLERK

*Michael Anthony Hammack,
Appellant v.
State of Texas, Appellee*

**On Discretionary Review from the Sixth Court of Appeals
No. 06-18-00212-CR**

**On Appeal from the 354th Judicial District Court, Hunt County
No. 32,355CR**

Appellant's Motion to Extend Time to File Merits Brief

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To the Honorable Judges of the Court of Criminal Appeals:

Appellant moves for an extension of time of 30 days to file a petition for discretionary review:

1. On **May 30, 2019**, in *Hammack v. State*, No. 06-18-00212-CR, *Hammack v. State*, 06-18-00212-CR, 2019 WL 2292334 (Tex. App.—Texarkana May 30, 2019, no pet. h.)(not designated for publication), the Court of Appeals affirmed Appellant's conviction. *See* attached.
2. On August 2, 2019, the petition for discretionary review was filed.
3. On November 6, 2019, the petition for discretionary review was granted.
4. The merits brief is due on December 6, 2019.
5. For good cause, Appellant asks for an extension of **30 days** until January 6, 2020 to file the merits brief.
6. No previous extension to file the merits brief has been filed.
7. Appellant relies on the following facts as good cause: The undersigned attorney's 16-year-old daughter was admitted to Cook Children's Medical Center in Ft. Worth on November 8th with pneumonia. On November 14th she was moved into the Intensive Care Unit. She is currently on life support, now diagnosed with alveolar proteinosis. Attorney for Appellant has been unable to adequately complete the brief during this time.

8. This Motion is not filed for purposes of delay, but so that justice may be served.

Prayer

Appellant prays that this Court grant this motion for an extension of time to file the merits brief.

Respectfully submitted,

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Certificate of Service

I certify that on December 5, 2019, a copy of this document was served on Hunt County District Attorney Nobie Walker by Texas efile to nwalker@huntcounty.net and on Stacey Soule, State Prosecuting Attorney, by Texas efile to stacey.soule@spa.texas.gov, and information@spa.texas.gov. *See* Tex. Rule App. Proc. 9.5 (2017) and Tex. Rule App. Proc. 68.11 (2017).

/s/ Jessica McDonald

Jessica McDonald